

Message Text

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PAGE 01 SANTIA 08359 270058Z

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C O N F I D E N T I A L SANTIAGO 8359

EO 11652: GDS

TAGS: SHUM, PFOR, SREF, PINT, CI

SUBJECT: EXPULSION OF DEMOCRATIC LAWYERS

REF: SANTIAGO 8079

1. SUMMARY: AS EXPECTED, THE SUPREME COURT CONFIRMED THE APPEALS COURT'S REJECTION OF THE HABEAS CORPUS REQUESTS FOR EXPELLED LAWYERS EUGENIO VELASCO AND JAIME CASTILLO (REFTEL). COURT PRESIDENT EYZAGUIRRE CHOSE TO ENTER INTO THE SUPREME COURT'S ACTION, AND THE DECISION WAS A UNANIMOUS FIVE TO ZERO. THE RIGHT CONTINUES ITS ATTACK ON THE TWO LAWYERS AND THE CHILEAN CHURCH. END SUMMARY.

2. THE EMBASSY HAS NOT YET OBTAINED A LEGAL ANALYSIS OF THE SUPREME COURT'S AUGUST 25 DECISION, BUT IT IS CLEAR THAT:

A) THE COURT RULES AGAINST THE DEFENSE LAWYERS' CLAIM THAT THE UN COVENANT ON CIVIL AND POLITICAL RIGHTS (INCLUDING A PROHIBITION OF EXPULSION) HAD PRECEDENCE OVER NATIONAL LAW, SINCE THE UN COVENANT -- THOUGH APPARENTLY RATIFIED BY CHILE -- HAD NOT BEEN PROMULGATED AS LAW BY THE GOC.

B) THE COURT RULED AGAINST THE DEFENSE ARGUMENT THAT GOC FAILURE TO ALLOW THE EXPELLED THE RIGHT TO CHOOSE THEIR DESTINATION, AND THE INCORRECT MANNER OF THE EXPULSION,
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PAGE 02 SANTIA 08359 270058Z

NULLIFIED THE EXPULSIONS THEMSELVES. THE COURT IN EFFECT

CONSIDERED THE EXPULSIONS AS THE BASIC QUESTION AND AS LEGAL;
HOW THEY WERE CARRIED OUT WAS CONSIDERED DERIVATIVE AND THUS
SECONDARY.

3. IN HIS ARGUMENT BEFORE THE COURT, COUNSEL FOR THE
GOVERNMENT, UGO ROSENDE, MADE A DRAMATIC ATTEMPT TO AROUSE
SUSPICION THAT THE TWO EXPELLED LAWYERS HAD BEEN NEFARIOUSLY
INVOLVED WITH THE ALLEGEDLY LEFTIST METING OF CATHOLIC BISHOPS
IN BIOBAMBA, ECUADOR (SANTIAGO 8026). ROSENDE SAID MYSTERIOUSLY
THAT HE HAD "EXTREMELY DELICATE DOCUMENTS IN HAND" SHOWING

THAT VELASCO AND CASTILLO HAD FLOWN TO QUITO ON JULY 3 AND
RETURNED JULY 9 IN THE SAME FLIGHT WITH A THIRD PERSON,
WHOSE NAME HE "DID NOT VENTURE TO REVEAL."

4. RIGHTWING, ANTI-CLERICAL "LA SEGUNDA" PROMPTLY PUT THE
FINGER ON RIGHTIST BETE NOIRE BISHOP CARLOS CAMUS, SECRETARY
OF THE CHILEAN EPISCOPAL CONFERENCE AND OF THE CONFERENCE'S
PERMANENT COMMITTEE. CAMUS, WHO IS OUTSPOKENLY CRITICAL OF THE
GOC AND THE CHILEAN RIGHT, PLAYED A PROMINENT PART IN EVENTS
SURROUNDING THE RIOBAMBA INCIDENT AND ITS CHILEAN AFTERMATH.
CAMUS REPORTEDLY TOLD THE PRESS THAT HE HAD FLOWN TO ECUADOR,
BUT THAT HIS VISIT THERE HAD NOTHING TO DO WITH THE RIOBAMBA
MEETING.

5. BAN ON MEDIA COVERAGE LIFTED: THE MILITARY ZONE COMMANDER
FOR THE SANTIAGO AREA ON AUGUST 25 LIFTED HIS AUGUST 18 BAN
ON RADIO AND TELEVISION REPORTING OF THE VELASCO-CASTILLO
EXPULSION AND CHURCH INCIDENTS. THE PRESS AND RADIO
ASSOCIATIONS HAD CRITICIZED THE BAN. BY LIFTING THE BAN,
THE GOC ENDS SUCH CRITICISM AND PERMITS FULL PLAY FOR ITS
COURT VICTORY.

6. COMMENT: THE JUDICIAL PHASE OF THE EXPULSIONS
PRESUMABLY HAS THUS ENDED, BUT THE INCIDENT WILL NOT BE
FORGOTTEN. CHURCH-STATE RELATIONS CONTINUE TO BE TENSE.
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